

REMARKS

The Applicants do not believe that examination of the foregoing amendment will result in the introduction of new matter into the present application for invention. Therefore, the Applicants, respectfully, request that the above amendment be entered and that the claims to the present application, kindly, be reconsidered.

The Final Office Action dated February 8, 2005 has been received and considered by the Applicants. Claims 1-20 are pending in the present application for invention. Claims 1-4 and 6-14 stand rejected by the Final Office Action dated February 8, 2005. Claims 5, 10 and 15-20 are objected to by the Final Office Action dated February 8, 2005.

The Examiner made the February 8, 2005 Office Action final. The February 8, 2005 Office Action contains a new rejection to Claim 1-4 that was not necessitated by any amendment made by the Applicants. The Applicants hereby assert the finality of the February 8, 2005 Office Action is premature. The MPEP §706.07 details when a Final Rejection is proper on second action.

"Under present practice, second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c)."

The previous amendment submitted January 5, 2005 by the Applicants amended currently number Claims 6-20 to correct the numbering of these claims. Claims 1-5 were not altered in any way by the amendment submitted January 5, 2005. The February 8, 2005 Office Action makes a new rejection of Claims 1-4, 6-9 and 11-14. This new rejection was not necessitated by any change made to the claims by the Applicants' amendment submitted January 5, 2005. Moreover, Claims 1-4 recite exactly the same subject matter as prior the amendment that was submitted January 5, 2005 by the Applicants. Therefore, the finality of the February 8, 2005 Office Action is premature, as least regarding Claims 1-4.

The Applicants, respectfully, requests that the Primary Examiner reconsider the holding of finality of the February 8, 2005 Office Action and withdraw the finality of the rejections contained within the February 8, 2005 Office Action.

The Applicants fully assume that the finality of the February 8, 2005 Office Action will be withdrawn. Therefore, this response treats the February 8, 2005 Office Action as a non-final office action.

The drawings are objected to because they lack descriptive labels. Red-lined drawings are included herewith that include the descriptive labels.

The Examiner objects to the specification for not including specification headings. The Examiner refers to 37CFR 1.77(b), and states that the Applicants are required to use the specification headings suggested therein. The Applicants, respectfully, disagree. The Applicants, respectfully, point out that 37 CFR 1.77(b) provides a suggestion for specification headings; however, there is no requirement that the specification contain headings. It is only required that the information appear in the order stated by 37 CFR 1.77(b). Accordingly, the Applicants, respectfully decline to add the specification headings because they are not necessary.

The Examiner objects to the Abstract due to references to elements within the figures and reference to a figure. The foregoing amendment has removed the references to elements within the figures. The August 3, 2004 amendment submitted by the Applicants removed the reference to the figure.

The Examiner objects to Claims 2, 4-5 and 16-20. Regarding Claim 2, the Examiner objects to the term, "is known to all the stations of the second type". The foregoing amendment to the claims has modified Claim 2 and replaced "known" by -- compatible--. The Applicants, respectfully, submit that the synchronizing circuit of the station of the first type is known to all the stations of the second type. Page 4, lines 6-12 of the specification to the present application for invention states that the receiving circuit 70 produces various data streams that are sorted according to the spreading code assigned to each station of the second type; which codes are produced by code generators within the receiving section of the station of the first type. It clearly appears that the synchronizing circuit of the station of the first type is known to all the stations of the second type. However, in an effort to move this case towards allowance, the amendment to Claim 2 has replaced "known" with-- compatible--. The synchronizing circuit of the

station of the first type is clearly compatible to all the stations of the second type.

Regarding Claim 4, the Examiner objects to the term "the station of the first type comprises a receiving circuit to be shared by all the stations of the second type to which it is connected." The Applicants respectfully disagree. The receiving circuit of the station of the first type is shared by all the stations of the second type to which it is connected. See page 4, lines 6-7 of the specification wherein it is clearly stated that receiving circuit 70 produces various outputs relating to a plurality of stations of the second type. Therefore, the Applicants, respectfully decline to make the modification suggested by the Examiner.

Regarding Claim 5, the foregoing amendment to the claims has replaced "comparing" with "adjusting—in accordance with the suggestions of the Examiner. The Applicants believe that Claim 5 is now allowable, as stated by the Examiner.

Regarding Claims 10 and 15 the Examiner objects to the term "modifying the clock frequencies" stating that a clock does not have frequencies. The Applicants, respectfully disagree. A clock or an oscillator used as a clock can operate at multiple frequencies. The correctness of the term "modifying the clock frequencies" is supported by the specification on page 3, lines 21-24. Therefore, the Applicants respectfully decline to make the change suggested by the Examiner.

The Office Action rejects Claims 1-4, 6-9 and 11-14 under the provisions of 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,389,066 issued in the name of Ejzak (hereinafter referred to as Ejzak) in view of U.S. Patent No. 6,314,128 issued in the name of Bunker et al. (hereinafter referred to as Bunker et al.). The Applicants believe that this rejection is moot in view of the foregoing amendment to the claims for the reason stated below.

Regarding Claim 1, the Examiner states that Ejzak teaches a transmission system comprising at least a station of a first type and a station of a second type. The Examiner admits that Ejzak does not teach a timing controller or synchronizing circuit that provides chip fractions. The Examiner's position is that Bunker et al. teach chip fractions shifted in time as defined by rejected Claim 1. The Applicants respectfully point out that Bunker et al. specifically teach away from modifying frequencies. Bunker et al. specifically teach phase modification in lieu of modifying frequencies (see col. 3, lines 11-14, 29-32 and 51-54). Therefore, to clearly

distinguish the present invention from the teachings of Bunker et al., Claim 1 has been amended to recite that "the receiving part of the station of the second type has a synchronization circuit that provides chip fractions shifted in time that are used to modify frequencies of data received from the first station type." There is no disclosure or suggestion within Bunker et al. or Ejzak, either alone or in combination, for chip fractions shifted in time that are used to modify frequencies of data received. Accordingly, Claim 1 is believed to be allowable.

Claim 2, depends from and further narrows and defines Claim 1, therefore, Claim 2 is believed to be allowable over the combination of Bunker et al. or Ejzak.

Claim 3 includes all the limitations of Claim 1, which as previously discussed, is believed to be allowable over the combination of Bunker et al. with Ejzak.

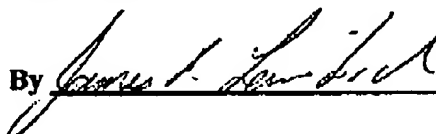
Regarding Claim 4, the Examiner states that the combination of Bunker et al. with Ejzak teaches the invention as defined by Claim 4. Claim 4 has been amended in a manner similar to Claim 1. The Applicants respectfully point out that Bunker et al. specifically teach away from modifying frequencies. Bunker et al. specifically teach phase modification in lieu of modifying frequencies (see col. 3, lines 11-14, 29-32 and 51-54). Therefore, to clearly distinguish the present invention from the teachings of Bunker et al., Claim 4 has been amended to recite that "the receiving part of the station of the second type has a synchronization circuit that provides chip fractions shifted in time that are used to modify frequencies of data received from the first station type." There is no disclosure or suggestion within Bunker et al. or Ejzak, either alone or in combination, for chip fractions shifted in time that are used to modify frequencies of data received. Accordingly, Claim 4 is believed to be allowable.

The remaining claim depend from Claim 1, 4 and 5 either directly or indirectly, and further narrow and define these claims. Therefore, the remaining claims are believed to be allowable.

Applicant is not aware of any additional patents, publications, or other information not previously submitted to the Patent and Trademark Office which would be required under 37 C.F.R. 1.99.

In view of the foregoing amendment and remarks, the Applicant believes that the present application is in condition for allowance, with such allowance being, respectfully, requested.

Respectfully submitted,

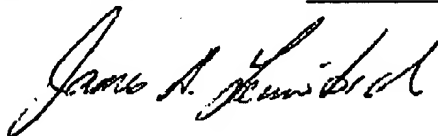
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